

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

286 RIDER AVE ACQUISITION LLC,

Debtor.

Chapter 11

Case No. 21-11298-LGB

**ORDER APPROVING LENDER'S APPLICATION
SCHEDULING HEARING ON SHORTENED
NOTICE UNDER BANKRUPTCY RULE 9006**

Upon the application ("**Application**"), dated April 21, 2022. of Be-Aviv 286 Rider LLC ("**Lender**"), for an order shortening the notice period and setting an expedited hearing with respect to Lender's *Motion to Enforce Court's Prior Orders* ("**Enforcement Motion**"); and after due deliberation and good cause appearing therefore and no notice being required under the circumstances; it is hereby:

ORDERED that, for good cause shown, the Application is approved;

ORDERED that a hearing is set on shortened notice, pursuant to Bankruptcy Rule 9006(c)(1) and Local Rule 9006-1(b) before this Court, Hon. Lisa G. Beckerman, United States Bankruptcy Judge, via Zoom for Government, on April 25, 2022 at 4:00 pm ET, or as soon thereafter as counsel may be heard, with respect to the Enforcement Motion. Parties wishing to participate in or observe the hearing must follow the procedures attached hereto as Exhibit A; and it is further

ORDERED that the service of a copy of this Order, the Application, and the Enforcement Motion and the proposed order relating to the Enforcement Motion on the following parties by ECF notice and electronic mail by April 22, 2022 at 10:00

a.m. ET, shall be deemed good and sufficient notice: (i) counsel of record to 286 Rider Ave Acquisition LLC; (ii) counsel of record for 286 Rider Avenue Development LLC, Toby Moskovits, and Yechial Michael Lichtenstein; and (iii) the Office of the U.S. Trustee; and it is further

ORDERED, that responsive papers to the Enforcement Motion, if any, shall be served so as to be actually received by counsel to Lender, Morrison Cohen LLP, 909 Third Avenue, 27th Floor, New York, New York 10022, Attn: Joseph T. Moldovan, Esq., jmoldovan@morrisoncohen.com, and filed with the Court, with a copy to Chambers, no later than 12:00 pm ET on April 25, 2022.

Dated: New York, New York
April 21, 2022

/s/ Lisa G. Beckerman
HONORABLE LISA G. BECKERMAN
UNITED STATES BANKRUPTCY JUDGE

Exhibit A

Zoom Procedures

**PROCEDURES FOR ALL HEARINGS BEFORE JUDGE BECKERMAN BEING HELD
BY ZOOM VIDEO**

The Zoom video hearing (the “Hearing”) held in connection with this notice will be conducted in accordance with the procedures contained herein. Under Rule 43 of the Federal Rules of Civil Procedure, made applicable here by Rule 9017 of the Federal Rules of Bankruptcy Procedure, the current COVID-19 pandemic provides good cause in compelling circumstances to allow this Hearing to be conducted remotely using audio and video conferencing solutions. Accordingly, pursuant to this Court’s General Order M-543 regarding the COVID-19 pandemic, and after due deliberation, this Court adopts the following virtual hearing procedures which provide appropriate safeguards in relation to the Hearing.

With respect to Hearings that are evidentiary hearings or trials, the procedures contained herein are subject to, and do not limit, the terms of any pre-trial order, scheduling order, or other order regarding the Hearing.

PROCEDURES

1. **Audio and Videoconferencing Solutions.** The Hearing shall take place virtually using both audio and videoconferencing solutions as set forth herein. The Court shall utilize Zoom for Government (for audio and video purposes). The Zoom link shall be provided by the Court to the list of persons identified by the parties as Zoom participants in accordance with Section 2 below, and to other attorneys, parties in interest, or members of the public who provide notice to the Court in accordance with Section 3 below.

2. **Prior Notice of Intent to use Zoom.** All attorneys appearing before the Court must register for the Hearing through the Electronic Appearance Portal located on the Court's website (<https://ecf.nysb.uscourts.gov/cgi-bin/nysbAppearances.pl>) by no later than 4:00 p.m. one business day before the Hearing. Failure to register by the specified deadline will result in the party not being admitted to the Hearing. The Court will circulate the Zoom link to such persons by email after 4:00 pm one business day before the Hearing. Parties are strictly forbidden from circulating or sharing the Zoom link.

3. **Attendance at the Hearing by Other Attorneys, Parties in Interest, and the Public.** All other attorneys, parties in interest, or members of the public who wish to hear or

observe the Hearing must register for the Hearing through the Electronic Appearance Portal located on the Court's website (<https://ecf.nysb.uscourts.gov/cgi-bin/nysbAppearances.pl>) by no later than 4:00 p.m. (ET) one business day before the Hearing. Parties shall indicate that they are requesting listen-only access when registering their appearance. Failure to register by the specified deadline will result in the party not being admitted to the Hearing. The Court will circulate by email prior to the Hearing the Zoom link to such persons who wish to hear or observe the Hearing via Zoom. Parties are strictly forbidden from circulating or sharing the Zoom link.

4. **Courtroom Formalities.** Although being conducted using audio and videoconferencing on Zoom, the Hearing constitutes a court proceeding, and any recording other than the official court version is prohibited. No participant or attendee of the Hearing may record images or sounds of the Hearing from any location. All parties appearing before the Court must situate themselves in such a manner as to be able to view the video screen and be seen by the Court. For purposes of this Hearing, the formalities of a courtroom must be observed, except that the Court will permit counsel in this Hearing to be attired in business casual clothing.

5. **Submission of Exhibits to Court.** If any of these parties intend to offer any exhibits at the Hearing, such party shall provide the Court (and file on ECF) a copy of the exhibits it will seek to use during the Hearing (either by offering it in evidence or using it for demonstrative purposes) no later than the deadline set forth in Judge Beckerman's Chambers Rules or the applicable scheduling or pretrial order but in any event at least 24 hours before the Hearing.

6. **Checking in for Hearing.** Because of the Court's security requirements for participating in a Zoom for Government audio and video hearing, all persons seeking to attend the Hearing must connect to the Hearing beginning half an hour prior to the scheduled start of the Hearing. Failure to connect to the Hearing at the indicated time may result in significant delays to the start of the Hearing. When signing into Zoom for Government, participants must type in the first and last name that will be used to identify them at the hearing, and the party they represent (*i.e.*, Jane Doe, Debtor's Counsel). Participants that type in only their first name, a nickname, or initials will not be admitted into the hearing. When seeking to connect for video

participation in a Zoom for Government hearing, participants will first enter a waiting room (“Waiting Room”) in the order in which the participants seek to connect. Court personnel will admit each person to the Hearing from the Waiting Room after confirming the person’s name (and telephone number, if a telephone is used to connect) provided to the Court in accordance with Sections 2 and 3 above. You may experience a delay in the Waiting Room before you are admitted to the Hearing. Once admitted, please turn off video and mute the microphone on Zoom until the matter is called by the Court.

7. **Retention of Jurisdiction.** The Court retains jurisdiction with respect to all matters arising from or related to these procedures.